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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PEREZ DAPLE, AARON C

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,163

Applicant(s)

YUZAWA, KEIJI

Examiner

Aaron C Perez-Daple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to Amendment filed 9/13/04, which has been fully considered.
2. Amended claims 1-20 are presented for examination.
3. Claims 21-24 are cancelled by Applicant.
4. This Action is FINAL.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-5, 8, 9, 13, 14, 17 and 18** are rejected under 35 U.S.C. 102(b) as being anticipated by Bedard (US 5,801,747) (hereinafter Bedard).
7. As for claims 1 and 13, Bedard discloses an information processing method, comprising:
 - providing a user terminal (television; col. 1, lines 30-38);
 - transmitting items of information to said user terminal (col. 1, lines 30-38; col. 3, lines 10-13);
 - selecting some of said transmitted items of information on the basis of information representing an access priority for each of said selected items of information (col. 3, lines 32-62);

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storing said selected items in said user terminal (col. 2, lines 23-26; col. 3, lines 38-45); and

arranging said stored items of information in an order according to said access priorities (col. 6, lines 23-27).

8. As for claim 2, Bedard discloses the information processing method according to claim 1, further comprising:

assigning to each of said items of information at least one category from a plurality of categories (col. 4, lines 49-65, "Each entry 202... on viewer behavior.");

associating with each of said items of information category attribute information corresponding to said at least one category (col. 4, lines 49-65, "Each entry 202... on viewer behavior."); and

in said transmitting step, transmitting said category attribute information in association with each of said items of information (col. 3, lines 32-62, "In accordance with ...the viewer interface.").

9. As for claims 8 and 17, Bedard discloses an information processing method and apparatus, comprising:

providing a user terminal (television; col. 1, lines 30-38, "More recent alternatives ...viewer's television screen.");

transmitting items of information to said user terminal (col. 1, lines 30-38, "More recent alternatives ...viewer's television screen.");

selecting some of said transmitted items of information on the basis of information representing an access priority for each of said selected items of information (col. 3, lines 32-62, "In accordance with ...the viewer interface.");

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storing said selected items in said user terminal (col. 2, lines 23-26; col. 3, lines 38-45); and

deleting at least one of said stored items of information from said user terminal in an order beginning with said item of information having a lowest access priority (col. 5, lines 16-33, "Viewer profile array ...the present invention.").

10. As for claims 3, 9, 14 and 18 Bedard discloses the information processing method and apparatus according to claims 2, 8, 13, 17, and 21 further comprising: accessing at least some of said stored items of information (col. 3, line 63 - col. 4, line 37, "While monitoring... at that time.");

determining said category of each of said accessed items of information from said category attribute information associated therewith (col. 4, lines 49-65, "Each entry 202. . . on viewer behavior.");

counting a number of times each of said stored items of information in each of said plurality of categories has been accessed to define a count value for each of said plurality of categories (col. 4, lines 49-65, "Each entry 202... on viewer behavior.");

determining an access tendency of a user from said count values of said plurality of categories (col. 4, lines 49-65, "Each entry 202... on viewer behavior."; col. 7, lines 19-27, "In accordance with... by a viewer."); and

determining said access priority for each of said stored items of information from said access tendencies (col. 4, lines 49-65, "Each entry 202... on viewer behavior."; col. 7, lines 19-27, "In accordance with... by a viewer.").

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 4-7, 10-12, 15, 16, 19 and 20** are rejected under 35 U.S.C. 103(a) as being obvious over Bedard in view of .Alexander (US 6,177,931 B 1) (hereinafter Alexander).
13. As for claims 4-6, 10, 11, 15, 16, 19 and 20 although it may be argued that Bedard inherently teaches the limitations of the claims since the information for display is inherently transmitted according to a predetermined priority (e.g. based on channel number and/or program time, for example), Bedard does not explicitly disclose associating with each of said items of information priority attribute information corresponding to the priority and then transmitting this priority attribute information. Alexander teaches associating with each of said items of information priority attribute information corresponding to the priority, transmitting this priority attribute information, and determining the access priority based on the priority attribute information for the purpose of displaying information based on the level of an advertiser's investment (col. 26, line 45 - col. 27, line 7, "Ads can rotate ...relative viewer's profile.").

It would have been obvious to one of ordinary skill in the art to modify Bedard by associating with each of said items of information priority attribute information corresponding to the priority, transmitting this priority attribute information, and determining the access priority based on the priority attribute information, for the purpose of displaying information based on an advertiser's level of investment, as taught by Alexander above.

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14. As for claims 7 and 12 Bedard discloses an information processing method

similar to claims 6 and 11 further comprising:

accessing at least some of said stored items of information (col. 3, line 63 - col. 4, line 37, "While monitoring... at that time.");

determining said category of each of said accessed items of information from said category attribute information associated therewith (col. 4, lines 49-65, "Each entry 202. . . on viewer behavior.");

counting a number of times each of said items of information in each of said plurality of categories has been accessed to define a count value for each of said plurality of categories (col. 4, lines 49-65, "Each entry 202.. . on viewer behavior.");

determining an access tendency of a user from said count values of said plurality of categories (col. 4, lines 49-65, "Each entry 202.. . on viewer behavior."; col. 7, lines 19-27, "In accordance with. . . by a viewer."); and

determining said access priority for each of said items of information on the basis of said access tendencies (col. 4, lines 49-65, "Each entry 202... on viewer behavior."; col. 7, lines 19-27, "In accordance with. . . by a viewer.").

Although Bedard teaches providing targeted advertising based on a viewer profile (col. 8, lines 16-21, "In yet another ...individuals or communities."), Bedard does not specifically disclose determining a priority from said priority attribute information and using this priority in conjunction with the access tendency to determine the access priority. Alexander teaches determining a priority from priority attribute information and using this to determine the access priority for the purpose of displaying information based on the level of an advertiser's investment (col. 26, line

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45 - col. 27, line 7, "Ads can rotate. .. relative viewer's profile."). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bedard by determining a priority from said priority attribute information and using this priority in conjunction with the access tendency to determine the access priority for the purpose of displaying information based on the access tendencies of the user and the level of an advertiser's investment, as taught by Alexander above.

Response to Arguments

15. Objections to claim 1 are hereby withdrawn in view of Amendment.
16. Applicant's arguments filed 9/13/04 have been fully considered but they are not persuasive.

With respect to claim 1, in the third paragraph of pg. 12 of the Remarks , Applicant asserts that Bedard does not teach or suggest that the information contained in the viewer profile is selected from items of information transmitted to the user terminal and stored, as recited in claim 1. The Examiner respectfully disagrees. First, col. 3, lines 10-13, of Bedard clearly state that the viewer interface receives program guide information from various broadcast sources (i.e. these broadcast sources transmit the information). As further detailed by Bedard and understood by one of ordinary skill in the art, this program guide information includes information on the channels and program offerings of each channel. As described in col. 3, lines 33-56, some of the transmitted information (e.g. specific channels and/or programs) is selected based on the user's preferences and viewing history. It is clear from the discussion that the selected items are further stored in the device. See col. 3, lines

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40-45. The Examiner notes that it would be impossible to display the selected items as disclosed by Bedard without first storing them in memory.

On pg. 13 of the Remarks, the Applicant further asserts that Bedard neither teaches nor suggests that information is selected on the basis of information representing an access priority for each of the selected items of information. The Examiner respectfully disagrees. Specifically, the Examiner finds that Bedard clearly teaches assigning an access priority based on the user's preference and viewing history. This priority information is stored in the viewer profile and used to select items of information (e.g. channel and/or program) from the transmitted program guide. In col. 5, lines 49-58, and col. 6, lines 23-27, Bedard further clearly teaches arranging these items into an order according to the access priority (which priority is further weighted by how recently the channel was viewed).

Therefore, claim 1 is properly rejected under 35 USC 102(b) as anticipated by Bedard.

Claims 2-20 are properly rejected for the same reasons.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period,


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then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (571) 272-3974. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 1/31/05
Aaron Perez-Daple


John Follansbee